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SUBJECT: Response to Humanitarian Access Demarche

Ref: a) State 59821, b) Khartoum 00949

11. (SBU) Summary: The GNU maintains that UN agencies in country continue to operate under their individual agreements, and do not automatically benefit from UNMIS status of forces agreement (SOFA) provisions. On the Voluntary and Humanitarian Work Law, the Government believes it enforces coordination with Government plans and ensures that beneficiaries use funds properly. Regarding the Norwegian Refugee Council (NRC), the Government decided not to renew its appointment as Kalma Camp Coordinator as it was not meeting its responsibilities, was carrying out improper information gathering and political activities, held meetings without Government involvement, failed to address Government queries, prevented Government visits to the camp, sided with partisan elements of the community, provided unfavorable publicity about rape and human rights abuses to the media, and was aware that arms and ammunition were concealed in the camp, but did not report it. End summary.

12. (SBU) Following sharing Ref A demarche with Minister of Foreign Affairs Lam Akol, MFA Deputy Director for the Americas Abd Elghani Elkarim Elnaïm, and Humanitarian Aid Commissioner Hassabo (Ref B), Pol/Econ Chief also presented it to MFA Deputy Director for Peace and Humanitarian Affairs Jamal Al-Sher on April 23.

Al-Sher: SOFA TBD, Work Law Useful, NRC Role Over

13. (SBU) Having received our talking points in advance, Amb. Al-Sher made the following points:

1A. SOFA: The GNU understands the unified approach under UNMIS, but maintains that UNSCR 1590 does not cancel traditional role of country agreements for individual UN agencies. They are already in place, and UNSCR 1590 does not cancel these previous agreements. UNMIS serves as UN coordinator in Sudan; nonetheless, it is to notify the Sudanese Government and gain its written consent for changing the identity of UN employees under a unified identification card scheme. UNMIS is in a temporary role and it is different; Sudan already granted it immunities.

1B. Voluntary and Humanitarian Work Law: this helps both sides. If the Sudanese Government knows about projects, it can follow up, and help to implement them. The law prevents the misuse and illegal use of funds - by beneficiaries, not by donors. Although Sudan does not want to interfere, it nonetheless should be involved, at least to ensure that projects are on course with the government's plans.

¶C. NRC: The Government has reviewed the performance of the NRC, and found that it was not managing Kalma camp for internally displaced persons (IDPs) well. It held meetings without inviting the Government's Camp Administrator, and failed to address inquiries the government made. Furthermore, it engaged in "gathering information," with 85 individuals doing so throughout the camp. The NRC sided with some community leaders over others, raising tensions. It became a "course of political information," and prevented officials from visiting the camp, including the Deputy Wali (governor), the State Minister for Humanitarian Affairs, and the Director of the Organizations Department of the Ministry of Humanitarian Affairs. Ammunition and arms were concealed on the camp "under cover" of the NRC. The NRC circulated information about rapes and human rights abuses to the international media to "harm the image of the Government." The Government had warned the NRC several times about its activities, and even renewed its role. Now, at the end of the second renewal, the Ministry of Humanitarian Affairs has decided not to renew it again. Out of 198 NGOs active in Darfur, the NRC "stands out singularly" as the only one that has problems that are not solvable.

Comment

¶4. (SBU) This iteration makes it clear the GNU had its talking points prepared, and would keep repeating them without considering positively the merits of the issues raised by the international community.

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